

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.11.2017

CORAM:

THE HONOURABLE MR. JUSTICE M.S.RAMESH

CrI.O.P.No.27262 of 2015

and

M.P.Nos.1&2 of 2015

K.Saravanan

.. Petitioner/Accused No I

Vs.

State rep. by
1. The Inspector of Police,
All Women Police Station, Vellore,
Crime No.15 of 2012,
Vellore District. ...1st Respondent/Complainant

2. Akilandeswari ...2nd Respondent/Defacto Complainant

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to call for the records relating to the complaint in C.C.No.426 of 2015 on the file of the learned Judicial Magistrate V, Vellore and quash the same.

For Petitioner : Mr.N.Manokaran

For R1 : Mr.C.Iyyapparaj
Additional Public Prosecutor.

For R2 : Mr.M.Ravi

ORDER

This petition is filed to call for the records relating to the complaint in C.C.No.426 of 2015 on the file of the learned Judicial Magistrate-V, Vellore and quash the same.

2 Heard both sides.

3 From the averments made in the complaint as well as statements of the complainant and her parents, it is seen that the offences under Section 498 A, 406, 294 (b), 506 (ii) IPC r/w Section 4 of the Dowry Prohibition Act have been made out.

4 Mr.N.Manokaran, learned counsel for the petitioner strenuously argued that on reading of the elaborate complaint goes to show that the averments have been concocted for the

purpose of wrecking vengeance on her husband and his family members. The learned counsel also submitted that the learned Magistrate while taking cognizance of the offences, has passed a non-speaking order, charging the petitioner under the relevant Sections. According to him, a detailed order should have been passed to establish that the learned Magistrate was totally convinced that these offences have been made out as against them.

5 The learned counsel for the respondent, on the other hand submitted that, what is required to be established in a petition filed under Section 482 of Cr.P.C., is that the charges prima facie should reveal the offences and that when the Section 161 statements as well as the other witnesses have clearly spoken about the offences having been committed, no interference need to be made.

6 I have gone through the statements of the de-facto complainant as well as her parents. It is seen that all these witnesses have in categorical terms spoken about the overtacts as against this petitioner, so as to attract the offences under Section 498A of IPC. If at all, the petitioner is of the view that these facts are false, it is always open to him to establish it before the trial Court, during the course of trial and arguments. These factual aspects raised by the petitioner herein cannot be scrutinised by this Court exercising its power under Section 482 Cr.PC.

7. In the result, the criminal original petition stands dismissed. However, it is made clear that I have not expressed any of my opinion with regard to the merits of the case. Consequently, connected miscellaneous petitions are also dismissed.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

cgi/ak

To

1. The Inspector of Police,
All Women Police Station, Vellore,
Crime No.15 of 2012,
Vellore District.

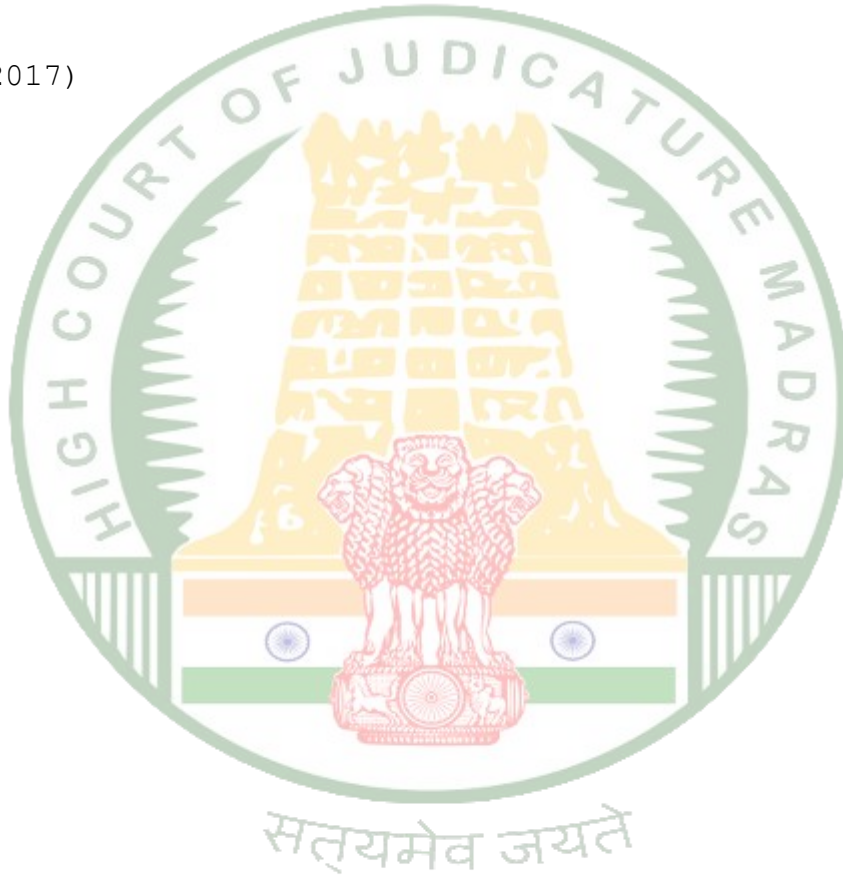
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2.The Public Prosecutor,
High Court, Madras.

+1 CC to Mr.M. Ravi, Advocate sr 77711.
+1 CC to Mr.N. Manokaran, Advocate sr 77573.

Cr1.O.P.No.27262 of 2015

PVS (CO)
SP (23/11/2017)



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